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PATENT

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December 15, 2004

Date

*Jennifer J. Fortuny*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald B. Borders  
Application No. : 10/810,741  
Filed : March 26, 2004  
For : EXTRACTIVE PURIFICATION OF LIPOPEPTIDE  
ANTIBIOTICS  
Art Unit : 1654  
Docket No. : 660081.425C1  
Date : December 15, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents:

In accordance with 37 CFR §§ 1.56 and 1.97 through 1.98, applicants wish to make known to the U.S. Patent and Trademark Office the references set forth on the attached Form PTO-1449. This application is a continuation of and relies, under 35 U.S.C. § 120, on the earlier filing date of prior Application No. 09/948,374, filed September 6, 2001, now issued as U.S. Patent No. 6,716,962; which is a continuation-in-part of U.S. Application No. 09/760,328, filed January 12, 2001, now issued as U.S. Patent No. 6,511,962. The references listed on the attached Form PTO-1449 were submitted to and/or cited by the U.S. Patent and Trademark Office in these prior applications and, therefore, are not required to be provided in this application. If the Examiner wishes, copies will be provided upon request. As to any reference supplied, applicants do not admit that it is "prior art" under 35 U.S.C. §§ 102 or 103, and specifically reserve the right to traverse or antedate any such reference by a showing under 37

CFR § 1.131 or other method. Although the aforesaid references are made known to the U.S. Patent and Trademark Office in compliance with applicants' duty to disclose all information they are aware of that is believed relevant to the examination of the above-identified application, applicants believe that their invention is patentable.

Please acknowledge receipt of this Information Disclosure Statement and kindly make the cited references of record in the above-identified application.

Applicants believe this Information Disclosure Statement has been timely filed; however, the Director is authorized to charge any fee due by way of this Information Disclosure Statement to our Deposit Account No. 19-1090.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC

*Mae Joanne Rosok*

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Mae Joanne Rosok  
Registration No. 48,903

Enclosures:

Postcard  
Form PTO-1449

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FORM PTO-1449 (REV.7-80)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 660081.425C1	APPLICATION NO. 10/810,741
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANTS Donald B. Borders et al.	
		FILING DATE March 26, 2004	GROUP ART UNIT 1654

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	3,126,317	03/24/64	Heinemann et al.	424	118	
AB	3,639,582	02/01/72	Umezawa et al.	424	118	
AC	4,331,594	05/25/82	Hamill et al.	260	112.5R	
AD	4,800,157	01/24/89	Eaton et al.	435	71	
AE	5,039,789	08/13/91	Fukuda et al.	530	317	
AF	5,912,226	06/15/99	Baker et al.	514	9	
AG	6,511,962 B1	01/28/03	Borders et al.	514	11	
AH	2002/0028771 A1	03/07/02	Curran et al.	514	9	
AI	2002/0035063 A1	03/21/02	Borders et al.	514	9	

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
				YES	NO
AJ					

**OTHER PRIOR ART** (Including Author, Title, Date, Pertinent Pages, Etc.)

AK	Bodanszky, M. et al., "Structure of the Peptide Antibiotic Amphotomycin," <i>Journal of the American Chemical Society</i> , April 4, 1973, 95(7):2352-2357.
AL	Debono, M. et al., "Enzymatic and Chemical Modifications of Lipopeptide Antibiotic A21978C: The Synthesis and Evaluation of Daptomycin (LY146032)," <i>The Journal of Antibiotics</i> , August 1988, XLI(8):1093-1105.
AM	Martin, J.H. et al., "Isolation and Identification of D- $\alpha$ -Pipecolic Acid, $\alpha$ [L], $\beta$ -Methylaspartic Acid and $\alpha$ , $\beta$ -Diaminobutyric Acid From the Polypeptide Antibiotic Aspartocin," <i>Communications to the Editor</i> , April 20, 1960, pp. 2079.
AN	Naganawa, H. et al., "A Novel Fatty Acid From Laspartomycin," <i>The Journal of Antibiotics</i> , August 1970, XXIII(8):423-424.
AO	Naganawa, H. et al., "Laspartomycin, A New Anti-Staphylococcal Peptide," <i>The Journal of Antibiotics</i> , January 1968, XXI(1):55-62.
AP	Shay, A.J. et al., "Aspartocin. I. Production, Isolation, and Characteristics," <i>Antibiotics Annual</i> , 1959-1960, pp. 194-198.

EXAMINER	DATE CONSIDERED
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\* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).



# TRANSMITTAL FORM

(To be used for all correspondence  
after initial filing)

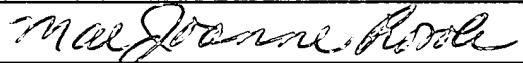
Application Number	10/810,741
Filing Date	March 26, 2004
First Named Inventor	Donald B. Borders
Art Unit	1654
Examiner Name	
Attorney Docket No.	660081.425C1

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Request for Corrected Filing	Communication to TC
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<input type="checkbox"/> Cited References	<input type="checkbox"/> Statement under 37 CFR	<input type="checkbox"/> Other Enclosure(s) (please
<input type="checkbox"/> Certified Copy of Priority	<input type="checkbox"/> 3.73(b)	identify below):
Document(s)	<input type="checkbox"/> Terminal Disclaimer	<hr/>
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under 37 C.F.R. 1.52 or 1.53	<input type="checkbox"/> CD, Number	<hr/>
<input type="checkbox"/> Response to Missing	<input type="checkbox"/> of CD(s) _____	<hr/>
Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	

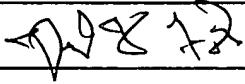
## Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Seed Intellectual Property Law Group PLLC	Customer Number	00500
Signature			
Printed Name	Mae Joanne Rosok		
Date	December 15, 2004	Reg. No.	48,903

## CERTIFICATE OF TRANSMISSION/MAILING

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Signature		
Typed or printed name	Jennifer J. Fortuny	Date: December 15, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.